

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 EPA-04 CEQ-01 COME-00 OIC-02
OES-07 SSO-00 INRE-00 USIE-00 AID-05 CEA-01
CIAE-00 EB-07 EA-09 FRB-01 INR-07 IO-14 NEA-10
NSAE-00 OPIC-06 SP-02 TRSE-00 LAB-04 EPG-02
SIL-01 AGRE-00 OMB-01 PA-02 PRS-01 HEW-06 /106 W
-----081444Z 115174 /53

O 081403Z JUN 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC IMMEDIATE 3765

UNCLAS SECTION 01 OF 02 PARIS 16810

USOECD

FOR EPA, CEQ, COMMERCE

E.O. 11652:N/A
TAGS: SENV, OECD
SUBJECT: OECD ENVIRONMENT COMMITTEE: SPECIAL MEETING
OF CHEMICALS GROUP, JUNE 14-16, 1977 : COMMENTS BY
FEDERAL REPUBLIC OF GERMANY ON US TOXIC SUBSTANCES
CONTROL ACT (TSCA).

1. FRG HAS WRITTEN TO SECRETARIAT WITH COMMENTS ON US/
TSCA, FOR DISCUSSION UNDER ITEM 4 OF AGENDA, JUNE 14-
16. US IS EXPECTED TO REACT TO THESE COMMENTS AT THE
MEETING. COPIES OF THE FRG COMMENTS WILL BE MADE AVAIL-

ABLE TO ALL MEMBERS AT THE JUNE 14-16 MEETING.

2. QUOTE: CONCERNING THE PROPOSED ENFORCEMENT OF TSCA
THE FEDERAL GOVERNMENT WISHES TO OFFER THE FOLLOWING
QUESTIONS :

A. SCOPE OF APPLICATION OF TSCA: 1. IS IT INTENDED TO
APPLY THE REPORTING PROCEDURE FOR EXISTING SUBSTANCES,
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RESPECTIVELY THE LICENSING PROCEDURE FOR NEW SUBSTANCES,
PROVIDED FOR IN THE ACT, NOT ONLY TO SUBSTANCES IMPORTED
AS CHEMICALS, BUT ALSO TO ALL CHEMICAL SUBSTANCES CON-
TAINED IN IMPORTED FINISHED PRODUCTS ? SHOULD THE ANSWER
TO THE FIRST QUESTION BE IN THE AFFIRMATIVE, THE FOL-
LOWING ADDITIONAL QUESTIONS ARISE: A) IN CASE OF IMPOR-
TED PRODUCTS HOW CAN IT BE CHECKED WHETHER A NEW SUBS-

TANCE IS BEING IMPORTED ? B) WHICH IMPLICATIONS UPON THE IMPORT OF FINISHED PRODUCTS INTO THE UNITED STATES ARE TO BE EXPECTED ?

B. "EXISTING SUBSTANCES": 1. ACCORDING TO WHICH CRITERIA ARE THE SUBSTANCES MENTIONED IN THE INVENTORY AND DESIGNATED AS "EXISTING" TO BE SELECTED WHICH SHALL BE PREFERABLY EXAMINED (PRIORITY LIST) ? 2. IS IT INTENDED TO REQUEST AT SOME LATER DATE FOR THE INVENTORY DATA ON THE QUANTITIES PRODUCED, PATTERNS OF APPLICATION OR OTHER (E.G. ECOLOGICAL OR TOXICOLOGICAL) DETAILS ? 3. DO THE ENFORCEMENT REGULATIONS ALSO PROVIDE FOR AMENDMENTS TO AND DELETION IN THE INVENTORY ?

C. TESTS AND ASSESSMENT OF NEW SUBSTANCES: 1. HOW IS THE MANUFACTURER TO CARRY OUT A PREASSESSMENT IN ORDER TO OBTAIN RELIABLE DATA FOR THE TEST AND ASSESSMENT SYSTEM WHICH HAS TO BE BASED UPON QUANTITIES PRODUCED, AREAS OF APPLICATION AND PROPERTIES OF THE RELEVANT SUBSTANCES ? 2. WHICH ADVANTAGES ARE SEEN BY EPA IN LINKING THE TEST REQUIREMENTS WITH REGARD TO NEW SUBSTANCES TO POSSIBLY UNCERTAIN PRE-ASSESSMENTS AND IN BASING IT ON CATEGORIES OF SUBSTANCES ? WHAT DOES EPA UNDERSTAND IN THIS CONTEXT, BY CATEGORIES OF SUBSTANCES ? 3. IS EPA ABLE ALREADY NOW TO STATE THE TEST REQUIREMENTS ACCORDING TO SECTION 4A WITH REGARD TO NEW SUBSTANCES ? 4. WHICH CONCRETE IDEAS HAS EPA ON THE ENVISAGED HIERARCHICAL TEST AND ASSESSMENT SYSTEM, BASED UPON QUANTITIES PRODUCED, AREAS OF APPLICATION AND PROPERTIES OF THE RELEVANT SUBSTANCES ? 5. DOES EPA INTEND JUST TO PRESCRIBE

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GENERAL GUIDELINES FOR THE TEST OR DOES IT PROPOSE TO
ISSUE DETAILED TEST PROVISIONS ? 6. WHICH DEGREE OF
BINDING FORCE WILL BE ASSIGNED TO THE TEST REGULATIONS
PURSUANT TO SECTION 4 A ? 7. IN WHAT MANNER WILL THE
TEST REGULATIONS BE KEPT ABREAST WITH THE PROGRESS OF
SCIENCE ? 8. WILL, BESIDES EPA, ALSO OTHER FEDERAL INS-
TITUTIONS BE INVOLVED IN THE ASSESSMENT OF SUBSTANCES ?
IF YES, HOW IS THE ADMINISTRATIVE STRUCTURE ? 9. ON
THE BASIS OF WHICH FACTS WILL TSCA REQUEST THE RENEWED
NOTIFICATION OF AN ALREADY NOTIFIED SUBSTANCE ?
D. CONFIDENTIALITY: 1. HOW IS EPA TO ENSURE THE CONFI-
DENTIALITY OF PRODUCT DATA NECESSARY FOR REASONS OF COM-
PETITION IF, ON THE OTHER SIDE, IT IS INTENDED TO GIVE
WIDE-SPREAD PUBLICITY TO SUCH DATA ? 2. HOW SHALL THE
REIMBURSEMENT FOR THE USE BY THIRD PARTIES BE EFFECTED,
PARTICULARLY IF DOMESTIC MANUFACTURERS USE DATA OF
FOREIGN MANUFACTURERS ? 3. WHAT ARRANGEMENTS HAVE BEEN
MADE REGARDING THE TRANSMISSION OF CONFIDENTIAL DATA TO
OTHER AUTHORITIES (E.G. FOR THE ASSESSMENT OF SUBSTANCES,
SECTION 14 A 1) ?
E. 1. WHAT COSTS PER YEAR ARISE FOR EPA IN ENFORCING
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THE TSCA ? 2. HOW MANY STAFF MEMBERS OF EPA ARE AT
PRESENT ENGAGED IN PREPARING THE ENFORCEMENT OF THE
TSCA ? 3. HOW MUCH PERSONNEL DOES EPA EXPECT TO ADDI-
TIONALLY RECRUIT FROM 1978 TILL 1980 ? END QUOTE.
KATZ

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